

IN THE DRAWINGS

Submitted herewith as replacement sheets: Figures 1 and 2. Approval is requested.

### REMARKS

Claims 1-13 were examined and reported in the Office Action. Claims 1-10 are rejected. Claims 11-13 are objected to. Claims 1-4 and 6-8 have been amended. Claim 5 has been cancelled. Claims 1-4 and 6-13 remain.

Applicant requests reconsideration of the application in view of the following remarks.

In the Action, it is indicated that Figures 1 and 2 should be designated by a legend such as "Prior Art". In response, attached hereto are the "corrected drawings" each labeled as "Replacement Sheet" regarding Figures 1 and 2, in compliance with 37 CFR 1.121(d) and in accordance with 37 CFR 1.84(c).

Approval is respectfully requested.

It is asserted in the Office Action that Claims 1-13 are objected to due to informalities. In response, Applicant has amended Claims 1, 4, 8, 2, 3, and 5 as suggested by the Examiner.

Approval is respectfully requested.

It is asserted in the Office Action that Claims 8-13 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. In response, Applicant has amended Claim 8 by adding the processing which is performed by the generated transcoding filter to provide a useful, concrete and tangible result as required.

Accordingly, reconsideration and withdrawal of the rejection of Claims 8-13 under 35 USC 101 is respectfully requested.

It is asserted in the Office Action that Claims 1-5 and 8 are rejected under 35 USC 102(e) as being anticipated by Jabri et al. (U.S. Patent Application Publication No. 2004/0158463).

In response, Applicant notes the invention appears to differ from Jabri et al. in that the transcoding filter design unit and transcoding filter are part of a transcoder. That is, Figure 3 shows a transcoder which includes transcoding filter design unit 322 and transcoding filter 323. Claim 1 and Claim 4, as amended incorporate this limitation. Although Jabri et al. appears to provide similar functionality in some respects, as best seen in Figure 12, obtaining the optimal weight to minimize distortion requires that the output of the transcoder be provided to a voice

quality perceptual test which provides voice quality scores which are input to a weighting factor optimization procedure which provides candidate weighting factors as feedback to the transcoder.

Thus, with reference to Claim 1, which is directed to a transcoder which comprises a transcoding filter and a transcoding filter design unit, to the extent that Jabri et al. can be said to include a transcoding filter and a transcoding filter design unit, such elements are not part of the transcoder. While the Examiner could possibly take the position that even though Jabri et al. does not disclose a transcoder which incorporates a transcoding filter and a transcoding filter design unit, since Jabri et al. teaches such components external to the transcoder, it would be obvious to modify Jabri et al. so that its transcoder incorporated a transcoding filter and a transcoding filter design unit. However, since the Examiner asserted a rejection based upon novelty, and not obviousness, there is no need to address such possibility at this time.

In addition, with respect to Claim 4, Applicant has amended Claim 4 to incorporate the limitations of Claim 5 which has been cancelled. Applicant notes that the filter generating step, as mentioned above, is part of the transcoding method and does not require processing of an output of the transcoding method to be fed back to the transcoding method as does the prior art.

Accordingly, reconsideration and withdrawal of the rejection to claims 1-5 and 8 under 35 USC 102(e) as being anticipated by Jabri et al., is respectively requested.

It is asserted in the Office Action that Claims 6-7 and 9-10 are rejected under 35 USC 103(a) as being unpatentable over Jabri et al. in view of Chen et al. (U.S. Patent No. 6,144,935.

In response, Applicant has amended Claim 6 and 7 to depend from Claim 4 instead of cancelled Claim 5. Applicant notes since Chen et al. does not teach a transcoder, or transcoder method which incorporates a transcoding filter design unit used to generate a transcoding filter, the combination of Jabri et al. and Chen et al. does not render the independent claims obvious and therefore, the independent claims, as well as the dependent claims are allowable over this prior art.

Accordingly, reconsideration and withdrawal of the rejection to claims 6-7 and 9-10 under 35 USC 103(a) as being anticipated over Jabri et al. in view of Chen et al., is respectively requested.

In view of the foregoing, it is submitted that all outstanding requirements have been addressed, and the claims pending for examination, namely claims 1-4 and 6-13 are now in condition for allowance, which early action is requested.

If there are any fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

#### PETITION FOR EXTENSION OF TIME

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on September 28, 2007, Applicant respectfully petitions Commissioner for a one (1) month extension of time, extending the period for response to January 28, 2008. The Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account 02-2666 for any fees required under 37 CFR . §§ 1.16 or 1.17, particularly, extension of time fees. A duplicate copy of this sheet is enclosed

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN

Dated:

1/28/08

By:

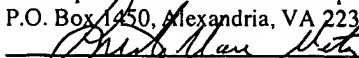


Eric S. Hyman, Reg. No. 30,139

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(310) 207-3800

#### CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class Mail , With Sufficient Postage, In An Envelope Addressed To: Mail Stop Amendments, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

 1-28-08  
Linda Marie Metz January 28, 2008